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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,497	08/18/2003	Christopher Johnson	089229.00099	1694
32294 7590 01/09/2008 SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			EXAMINER TSEGAYE, SABA	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/642,497

Applicant(s)

JOHNSON, CHRISTOPHER

Examiner

Saba Tsegaye

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to the amendment filed 10/15/07. Claims 1-16 are pending. Currently no claims are in condition for allowance.

Claim Rejections - 35 USC § 102

2. Claims 1-6, 8-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Vanghi (US 2003/0031130 A1).

Regarding claims 1, 9 and 16, Vanghi discloses a method of managing uplink radio resources, the method comprising:

determining an interference level into the primary base transceiver (sector 12) station (0029; 0036);

determining a contribution of secondary cell connections to the interference level (0056);

computing a proportionality factor for adjusting a reference interference level relative to the interference level, the proportionality factor being proportional to the contribution of the secondary cell connections to the interference level (0052-0056); and

adjusting the reference interference level relative to the interference level by using the proportionality factor (0056).

Regarding claims 2 and 10, Vanghi discloses the method further including computing a proportionality factor proportional to a coupling between the primary cell and the at least one secondary cell (0056).

Regarding claims 3 and 11, Vanghi discloses the method further including controlling the uplink radio resources based on the interference level and the reference interference level (0008-0009).

Regarding claims 4 and 12, Vanghi discloses the method further including basing a characterizing curve, which characterizes relation between a cell characteristic and an interference level, on the reference interference level (0022; 0037).

Regarding claim 5, Vanghi discloses the method further including determining a contribution of primary cell connections to the interference level (0029, 0036); and

determining the contribution of the secondary cell connections to the interference level by using the interference level and the contribution of the primary cell connections to the interference level (0052-0056).

Regarding claims 6 and 14, Vanghi discloses the method further including adjusting the reference interference level by shifting the reference interference level relative to the interference level by the amount of the proportionality factor (0038-0039).

Regarding claims 7 and 15, Vanghi discloses the method further including repeating the method for a predetermined period of time (0025).

Regarding claim 8, Vanghi discloses the method further including repeating the method at a predetermined rate (0025).

Regarding claim 13, Vanghi discloses the arrangement further including:

third determining means for determining a contribution of primary cell connections to the interference level; and fourth determining means for determining the contribution of the secondary cell connections to the interference level by using the interference level and the contribution of the primary cell connections to the interference level (0056).

Response to Arguments

3. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Saba Tsegaye
Examiner
Art Unit 2619

ST
January 7, 2008


WING CHAN
SUPERVISORY PATENT EXAMINER
1/7/08